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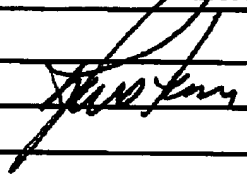
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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/314,314 |
| | Filing Date | 12/11/2001 |
| | First Named Inventor | Loewenstein |
| | Art Unit | 3713 |
| | Examiner Name | Reda/ Thal (SPE) |
| | Attorney Docket Number | Diamond Poker |
| Total Number of Pages in This Submission | | |

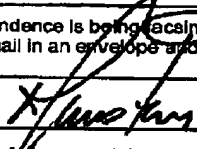
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|--------------|---|--------|--|
| Firm Name | David A. Loewenstein | | |
| Signature |  | | |
| Printed name | David A. Loewenstein | | |
| Date | Reg. No. | 35,591 | |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Loewenstein
Serial No. : 10/015,314
Filed : 12/11/01
Title : POKER GAME
Examiner : Rada
Art Unit : 3713

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LETTER TO SUPERVISORY EXAMINER XUAN M. THAI

As we discussed on the telephone, I am resending, now for the third time, a copy of my Appeal Brief together with proof that it was originally filed on September 6, 2005.

In addition I am resending a copy of the fax I sent on November 17 which included the proof that the brief had been filed on September 6 together with a copy of the Appeal Brief. I am attaching the confirmation copies of the fax proving the fax was received. For some reason the last page of the fax did not go through on November 16, so I sent it separately. The confirmation page for that one page is also attached. Apparently this fax was lost by the PTO

Attached to this letter are the following:

(1) a copy of the postcard that bears a received stamped by the OIPE on September 6, 2005 (there is a typographical error on the date mailed);

(2) a two page printout of the United States Postal Service web site that indicates that air bill number ER84 5145 435US was accepted in New York on

Serial No. 10/015,314
Art Unit: 3714

1

Examiner: Rada/SPE Thai
VIA FAX 571-273-8300

September 6, 2005 at 5:59 PM and received at the Patent Office at 8:37 AM September 7, 2005. It was signed for by S DYAR. The air bill number corresponds to the Express Mail number in the footer of the Appeal Brief, a copy of which is attached; and

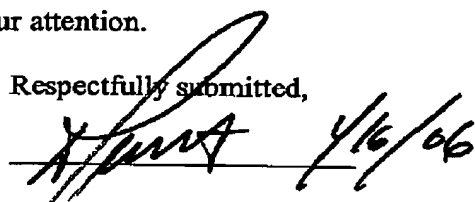
(3) A print out from Citibank's web site of canceled check number 581 for \$250 that has in the "memo" field "Appeal 314 Appln" this corresponds to the pending application number 10/015,314. The check was cashed by the Patent Office on September 8, 2005. The amount corresponds to the fee for submitting an appeal brief. I has crossed out my checking account number for security reasons.

There can be no question whatsoever that the three appeal briefs, the check and the postcard were mailed via Express Mail on September 6, 2005 and were received the following day on September 7, 2005 at the Patent Office. Because they were mailed via Express Mail the filing date is the date mailed (i.e., September 6th). See 37 CFR § 1.10 (a)(1).

I would appreciate a call letting me know that this has been done. My work number is 212-632-3572.

Thank you in advance for your attention.

Respectfully submitted,



David A. Loewenstein
Reg. No. 35, 591

802 King Street
Rye Brook, NY 10573
(914) 937-4119

Serial No. 10/015,314
Art Unit: 3714

2

Examiner: Rada/SPE Thai
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| | First Named Inventor | Loewenstein |
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| Firm Name | David A. Loewenstein |
| Signature | <i>[Signature]</i> |
| Printed name | David A. Loewenstein |
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| Typed or printed name | David A. Loewenstein |
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Loewenstein
Serial No. : 10/015,314
Filed : 12/11/01
Title : POKER GAME
Examiner : Rada
Art Unit : 3713

LETTER TO SUPERVISORY EXAMINER XUAN M. THAI

As we discussed on the telephone today, Applicant (I) sent to the Patent Office on September 6, 2005 via Express Mail: (1) three copies of an Appeal Brief; (2) a check for \$250 for the associated fee; (3) a self addressed post card and (4) a transmittal form.

Attached to this letter are the following:

(1) a copy of the postcard that bears a received stamped by the OIPE on September 6, 2005 (there is a typographical error on the date mailed);

(2) a two page printout of the United States Postal Service web site that indicates that air bill number ER84 5145 435US was accepted in New York on September 6, 2005 at 5:59 PM and received at the Patent Office at 8:37 AM September 7, 2005. It was signed for by S DYAR. I cannot account for the discrepancy between the PTO's September 6 date stamp on the postcard and the Post Office's received date of September 7, but my assumption is because the package was received at 8:37 AM the

Serial No. 10/015,314
Art Unit: 3714

1

Examiner: Rada/SPE Thai
VIA FAX 571-273-8300

person who stamped it forgot to advance the date. The air bill number corresponds to the Express Mail number in the footer of the Appeal Brief, a copy of which is attached; and

(3) A print out from Citibank's web site of canceled check number 581 for \$250 that has in the "memo" field "Appeal 314 Appln" this corresponds to the pending application number 10/015,314. The check was cashed by the Patent Office on September 8, 2005. The amount corresponds to the fee for submitting an appeal brief.

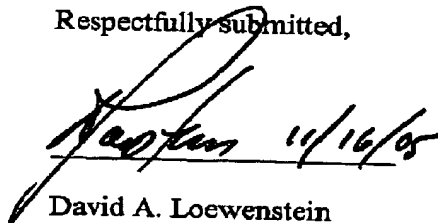
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I am attaching a copy of the brief that was filed on that date. Please enter it into the system.

I would appreciate a call letting me know that this has been done. My work number is 212-632-3572.

Thank you in advance for your attention.

Respectfully submitted,



David A. Loewenstein
Reg. No. 35, 591
802 King Street
Rye Brook, NY 10573
(914) 937-4119

Serial No. 10/015,314
Art Unit: 3714

2

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3/1/2006 12:30 PM PAGE
Loewenstein

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p.7

Serial No.: 10/015,314
Filing Date: 12/11/2001
Inventor: Loewenstein
Art Unit: 3714
Date Mailed: 7/1/2005
Title: Poker Game



To the individual receiving this correspondence, please check the contents enclosed and verify that the following items were enclosed by date stamping and placing this postcard in the out-going mail. Thank you.

- Three Copies of Appellant's Appeal Brief
- Transmittal Form
- Check for \$250.

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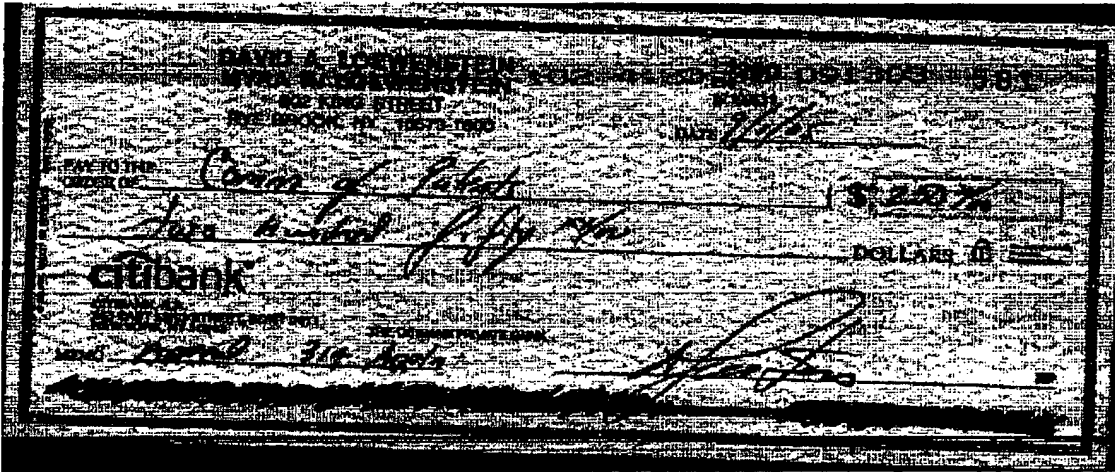
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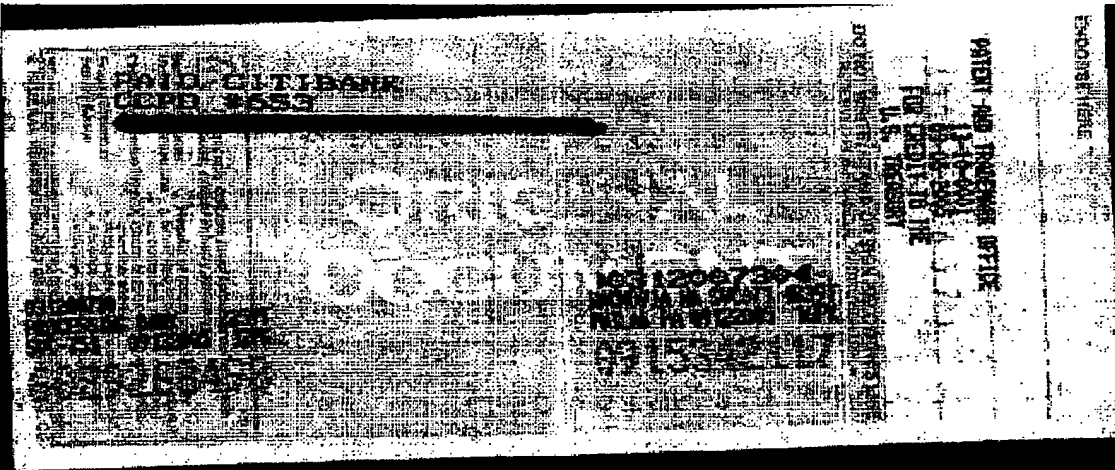
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| <p>Application Number 10794,374 Filing Date 12/12/04 First Named Inventor Loewenstein Art Unit 3713 Examiner Name Pearl/Tier 1002 Attorney/Agent Number 33,591 Contact Person</p> | |
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| <p>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</p> | |
| <p>Print Name David A. Loewenstein Signature [Signature] Printed name David A. Loewenstein Date 11/17/05 Rep. No. 33,591</p> | |
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| <p>Signature [Signature] Typed or printed name David A. Loewenstein Date 11/17/05</p> | |
| <p>This certificate is required by 37 CFR 1.6. The information is required in order to be sent by the USPTO in person or by registered mail. Correspondence is governed by 38 U.S.C. 552 and 37 CFR 1.11 and 1.12. This certificate is required to be sent by registered mail, including by express, insured, and registered mail, to the USPTO. This will vary depending upon the individual case. Any comments on the Trademark Office, U.S. Department of Commerce, P.O. Box 1463, Alexandria, VA 22315-1463. DO NOT SEND PAGES OR COMPLETED FORMS TO THE ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1463, Alexandria, VA 22315-1463.</p> | |
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| Application Number | | 914-937-3338 | | | |
| Filing Date | | 10/18/05 | | | |
| First Named Inventor | | Loewenstein | | | |
| Att. Ref. | | 10/18 | | | |
| Examiner Name | | Roderick (RPT) | | | |
| Address/Contact Number | | Diamond Patent | | | |
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| Print Name | | David A. Loewenstein | | | |
| Signature | | | | | |
| Printed name | | David A. Loewenstein | | | |
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| TRANSMITTAL FORM | |
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| Application Number | 10/314,314 |
| Filing Date | 12/14/2001 |
| First Named Inventor | Loewenstein |
| Art Unit | 3713 |
| Examiner Name | Rader Thal (SPE) |
| Attorney Docket Number | Diamond Polar |

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| TRANSMITTAL FORM | |
|------------------------|------------------|
| Application Number | 10214,314 |
| Filing Date | 12/11/2001 |
| First Named Inventor | Loewenstein |
| Art Unit | 3713 |
| Examiner Name | Roder Thal (SPE) |
| Attorney Docket Number | Diamond Poker |

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